

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ONRC ACTION,
Plaintiff,
v.

No. 1:97-cv-03090-CL

BUREAU OF RECLAMATION, et al.,
Defendants,

ORDER

KLAMATH BASIN WATER USERS
PROTECTIVE ASSOCIATION, et al.,
Defendant-Intervenors.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Here, plaintiff objects to the Report and Recommendation, so I review this matter de novo. 28 U.S.C. § 636(b)(1)(C); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009).

I agree with the Report and Recommendation that the Water Transfers Rule, 40 C.F.R. § 122.3(i), is valid. See Friends of

the Everglades v. S. Fla. Water Mgmt. Dist., 570 F.3d 1210, 1227-28 (11th Cir. 2009)¹ (upholding Water Transfers Rule), cert. denied, 131 S. Ct. 643, 645 (2010) (two petitions).

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#279) is adopted. Defendants' motion for summary judgment (#198) is granted. Plaintiff's motion for partial summary judgment (#205) is denied.

IT IS SO ORDERED.

DATED this 14 day of August, 2012.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE

¹Although the Report and Recommendation incorrectly stated that the Eleventh Circuit's decision is binding on this court, I adopt the Report and Recommendation's alternative conclusion that the Eleventh Circuit's decision is persuasive authority.